



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land

<b>MEETING DATE</b> September 19, 2014 <b>LOCAL EFFECTIVE DATE</b> October 3, 2014	<b>CONTACT/PHONE</b> Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	<b>APPLICANT</b> Ian Forsyth	<b>FILE NO.</b> DRC2013-00055
<b>SUBJECT</b> A request by Ian Forsyth for a Minor Use Permit/ Coastal Development Permit to allow the construction of a 2,664 square-foot three-level single family residence with a 495 square foot garage and an approximately 904 square foot unconditioned basement. The project will result in the disturbance of approximately 2,400 square feet on an approximately 3,500 square foot vacant parcel with an average slope of 28%. Maximum height of the proposed residence is 28 feet as measured from average natural grade. The proposed project is within the Residential Single Family Land Use Category and is located at 2746 Richard Avenue within the community of Cayucos. The site is in the Estero Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2013-00055 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Coastal Zone, Geologic Study Area	<b>ASSESSOR PARCEL NUMBER</b> 064-204-023	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Estero Area Plan – Resource Capacity and Service Availability Estero Area Plan – Communitywide Setback Requirements Combining Designations – Geologic Study Areas (GSA) Estero Area Plan – Residential Single Family <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.05.020 - Grading Section 23.07.080 – Geologic Study Area (GSA) Section 23.07.120 – Local Coastal Program Area Section 23.05.036 – Sedimentation and Erosion Control Section 23.05.040 – Drainage <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on <b>October 3, 2014</b> , if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<b>EXISTING USES:</b> Vacant, undeveloped			

SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / Single Family Dwelling East: Residential Single Family / Single Family Dwelling South: Residential Single Family / Single Family Dwelling West: Residential Single Family / Single Family Dwelling	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, County Service Area 10 (Cayucos), Cayucos Citizens' Advisory Council, Building Division, Cayucos Fire, Cayucos Sanitary, Coastal Commission	
TOPOGRAPHY: Moderately Sloping; average 10-30%	VEGETATION: Non-native grasses
PROPOSED SERVICES: Water supply: Community system (County Service Area 10) Sewage Disposal: Community sewage disposal system Fire Protection: Cayucos Fire	ACCEPTANCE DATE: May 19, 2014
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

## DISCUSSION

### PROJECT DESCRIPTION:

The proposed project includes the construction of a 2,664 square foot two-story single family residence, a 495 square foot garage and a 905 square foot unconditioned basement. The lot is currently undeveloped and surrounded by single family homes in the community of Cayucos. As outlined below, the proposed project is consistent with the standards of the Estero Area Plan as well as the applicable Coastal Zone Land Use Ordinance standards and General Plan Policies.

### PLANNING AREA STANDARDS:

#### Estero Area Plan

Setbacks – Communitywide. The project is located in the Morro Strand neighborhood which established the following setbacks:

<b>Cayucos Urban Area Special Setbacks</b>				
	<i>Front</i>	<i>Side</i>	<i>Street side</i>	<i>Rear</i>
Minimum Setback (ft)	0	3	5	5
Proposed (ft)	0	3	N/A	10

*Staff Response: The proposed project complies with the required front, side, and rear setbacks. The proposed development is set back an additional 5 feet at the rear of the property because of an existing 10 foot sewer easement held by the Cayucos Sanitary District. There are open upper floor decks proposed on the second and third levels which encroach into the 10 foot sewer easement. The applicant is conditioned to contact the Cayucos Sanitary District to discuss encroachment permits and additional conditions at the time of application for building permits. This project complies with these requirements as conditioned.*

*Residential Design Guidelines Outside of Community Small-Scale Design Neighborhoods: Wall Articulation and Relief.* The following guidelines apply to all new residential development outside of the Community Small-scale Design Neighborhoods in order to create visual relief and interest:

- Avoid long, uninterrupted exterior walls on all structures
- Provide detail and articulation on all sides of residences through measures such as:
  - Using relief elements and changes in plane
  - Off-setting the wall plane to express interior spaces and provide outdoor spaces
  - Creating an interesting blend of shadows, in-sets, varied materials and textures
  - Using design measures and elements such as the following: wall bays with relief at least every 20 feet; pop-out, bay windows; in-set windows; window trim; trellises; arcades or verandas; changes in materials.

*Staff Response: The proposed project uses design measures and elements including wall bays with relief and window trim to interrupt and avoid long exterior walls on all sides of the proposed development. Design of the proposed single family residence is consistent with the design and scale of surrounding residences and is consistent with the design guidelines as outlined in the Small Scale Neighborhood requirements of the Estero Area Plan.*

*Residential Single Family - Height limitations.* New development shall not exceed 28 feet, unless a more restrictive height limitation is specified in the following standards:

*Outside of Community Small-Scale Design Neighborhoods*

**Building Face Height and Setback.** In order to reduce the apparent mass of buildings, the maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be as shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet.

Average Slope of Lot Prior to Grading	Maximum Height of Front and Rear Building Face From Finished Grade (Ft.)
Less than 20%	22
20% or greater	24

A building face may exceed these heights only if all of the following are met:

- a. A Minor Use Permit is approved
- b. The maximum height of the building face is 28 feet as measured from finished grade
- c. The Review Authority determines that the apparent mass of the building is reduced through use of significant articulation—including three-dimensional components—that meets the intent of the communitywide Residential Design Guidelines Outside of Community Small-Scale Design Neighborhoods: Wall Articulation and Relief (following Section VG of the Communitywide standards).

*Staff Response: The proposed height of the residence is 28 feet above average natural grade. To reduce the mass of the residence, the rear building face (including decks and balconies) as measured from finished grade, is 22 feet 6 inches and is consistent with this standard. The third level is setback from the lower level building face three (3) feet and is inconsistent with the requirements of this standard. The applicant is required to submit revised plans which show the third level setback an additional three (3) feet from the lower level building faces (total of six (6) feet setback). The project complies with these requirements as conditioned.*

Lot Coverage. The maximum building footprint of all structures, including garages and carports, shall be 50 percent of the total area of the site. All covered decks, and the portions of uncovered decks and balconies that extend into any required setback, shall be included in the building footprint.

*Staff Response: The proposed building footprint is approximately 1,809 square feet. The lot size is 3,500 square feet thereby restricting the maximum building footprint to 1,750 square feet. The project, as conditioned, will be required to remove approximately 59 square feet from the building footprint in order to meet the 50 percent maximum building footprint of the total area of the site. The project complies with this standard as conditioned.*

## COASTAL ZONE LAND USE ORDINANCE STANDARDS:

### Grading

Section 23.05.034(b) – Grading Standards: Grading for siting of new development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20% except:

- (1) Existing lots in the Residential Single-Family category, if a residence cannot feasibly be sited on a slope less than 20%; and
- (2) When grading of an access road or driveway is necessary to provide access to building site with less than 20% slope, and where there is no less environmentally damaging alternative; and
- (3) Grading Adjustment. Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:
  - a. The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.
  - b. Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
  - c. It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
  - d. It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

*Staff Response: The project is proposed on a sloped lot with average slopes of 28%. The entire property includes slopes between 20% and 30% and there is no location on the property where any development could occur with slopes less than 20%. Due to the steep slopes, a Minor Use Permit is required. The slopes of the site were investigated for slope stability, liquefaction, active landslides, erosion potential and other potential hazards (Geo Solutions Inc). No additional requirements outside what is already required by the building code are necessary for this proposed project.*

Section 23.07.120 – Local Coastal Program Area

The Local Coastal Program combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 7, 8, 9, 10,

Visual and Scenic Resources: ☒

Policy No(s): 2

Hazards: ☒

Policy No(s): 1, 2, 3, 7

Archeology: N/A

Air Quality: N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

**Public Works**

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff Response: The proposed project complies with this policy. The applicant submitted an intent to serve letter from the County Service Area No. 10A (February 20, 2014). At the time of application for construction permits, the applicant will be required to submit a will serve letter. The applicant also obtained an intent to serve letter from Cayucos Sanitary District (May 1, 2014) stating the District will serve the property. The project will also be required to show approval of a 2'-6" encroachment (Letter from Cayucos Sanitary District dated August 4, 2014) into an existing 10 foot sewer easement at the rear of the property and is also included in the conditions of approval.*

### **Coastal Watersheds**

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes less than 20 percent except: Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent.

*Staff Response: The proposed project is consistent with this policy. Slopes on the lot are in excess of 20% however the lot is an existing lot of record in the Residential Single-Family land use category and there are no alternative feasible locations to construct a project on this property that would be located on slopes less than 20 percent.*

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slopes and erosion control measures should be in place before the start of the rainy season.

*Staff Response: The proposed project is consistent with this policy because it's conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

*Staff Response: The proposed project complies with this policy. The applicant, as conditioned, is required to submit complete erosion and sedimentation controls plans, and demonstrate Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff Response: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required by the San Luis Obispo County Public Works Department.*

### **Visual and Scenic Resources**

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

*Staff Response: The proposed project complies with this policy. The project site is located on the downslope of Richard Avenue within an existing single family neighborhood. The proposed residence would be visible along Richard Avenue as well as the lower street levels; however, the site is not visible from major public view corridors and will not inhibit views to or along the ocean.*

## **Hazards**

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

*Staff Response: The proposed project is within an area subject to geologic hazards (landslides). The applicant submitted an Engineering Geology Investigation (January 24, 2014) prepared by GeoSolutions Inc. GeoSolutions did not observe landslides at the property and stated the site provides a stable geologic environment suitable for the proposed development.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff Response: The proposed project complies with this policy. The proposed development will implement the recommendations of the Engineering Geology Investigation Report which identifies specific design measures to minimize risks to human life and property as well as ensure structural stability while not creating or contributing to erosion or geological instability.*

Policy 3: Development Review in Hazard Areas.

The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan.

*Staff Response: The proposed project complies with this policy. Upon submittal of the Engineering Geology Investigation (GeoSolutions Inc., January 24, 2014), the report was forwarded to Brian Papurello with LandSet Engineers, Inc., a qualified certified engineering geologist. Mr. Papurello provided the County a memo on February 14, 2014, stating the Engineering Geology Investigation prepared by GeoSolutions considered the site geologic conditions and they were accurately modeled and the appropriate measures were included for CEQA and CZLUO compliance.*

Policy 7: Geologic Study Area Combining Designation. These hazards shall include steep slopes, unstable slopes, expansive soils, coastal cliff and bluff instability, active faults, liquefaction and tsunamis.

*Staff Response: The proposed project is within the Geologic Study Area Combining Designation. Hazards associated with this site include steep slopes, potentially unstable slopes and liquefaction. Based on the investigation and recommendation of GeoSolutions Inc., the proposed development is designed and has taken into consideration these hazards and will implement specific measures to minimize potential threat to human life and safety.*

## **COMMUNITY ADVISORY GROUP COMMENTS:**

Cayucos Citizens' Advisory Council reviewed and supported the project so long as the architect enhance the design of the residence – that is, not so stark/ long and add articulation especially in the rear (February 10, 2014).



*Staff Response: The Architect submitted revised plans showing additional articulation and relief at the rear of the residence as well as on the sides through use of wall bays with relief and window trim. The design of the single family residence meets the Estero Plan requirements and is similar to the surrounding residential uses in the neighborhood.*

AGENCY REVIEW:

Public Works: "In accordance with Land Use Ordinance, Section 23.05.040 (Drainage), the proposed project is considered a regulated project and required to submit a Stormwater Control Plan Application and Coversheet." (Tim Tomlinson, January 29, 2014; revised August 8, 2014).

*Staff Response: The applicant submitted a Stormwater Control Plan application and coversheet. It was found the amount of new impervious surface area was less than the 2,500 square foot threshold required to trigger performance requirements. The project, as determined by Public Works (Tim Tomlinson) and reflected in the revised Public Works Referral, states "the project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2,500 square feet of impervious area). Therefore, no Stormwater Control Plan is required.*

County Service Area 10 (Cayucos): No response.

Building Division: Comments included as applicable in Exhibit B – Conditions of Approval (Charles Riha, March 28, 2014).

Cayucos Fire: No response.

Cayucos Sanitary: "Preliminary plans show encroachment into sewer easement. A conditional sewer will serve letter will be required for this project." (Anita Rebich, January 17, 2014).

Coastal Commission: No response.

LEGAL LOT STATUS:

The lot was legally created by deed at a time when that was a legal method of creating lots.

Staff report prepared by Megan Martin and reviewed Ryan Hostetter and Steve McMasters.